

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

(4)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,726	02/14/2001	Mihal Lazaridis	555255012190	7167
7590	08/10/2004		EXAMINER	
David B. Cochran, Esq. Jones, Day, Reavis & Pogue 901 Lakeside Avenue, North Point Cleveland, OH 44114			EDELMAN, BRADLEY E	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(6)

Office Action Summary	Application No.	Applicant(s)
	09/783,726	LAZARIDIS ET AL.
	Examiner	Art Unit
	Bradley Edelman	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 70-84 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 70-84 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 February 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All . b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

This action is in response to Applicant's request for reconsideration filed on May 14, 2004. Claims 70-84 are presented for further examination. Claims 70-81 remain unchanged. Claims 82-84 have been amended only to eliminate minor errors regarding claim numbering. Because of the new grounds for rejection, this Office action is non-final.

Drawings

Examiner has withdrawn the objection to the drawings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 70-73, 77, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile (Software for Lotus cc:Mail Wireless, Communication Client Guide, Motorola, 1995), in view of Gadol et al. (Nomadic Tenets – A User's Perspective, Sun Microsystems Laboratories, Inc., June 1994, hereinafter "Gadol"), in view of Bezaire et al. (U.S. Patent No. 5,758,088, hereinafter "Bezaire"), and further in view of Eggleston et al. (U.S. Patent No. 5,764,899, hereinafter "Eggleston").

In considering claim 70, AirMobile discloses a method for forwarding electronic messages from a messaging server to a plurality of wireless mobile devices using a software program ("AirMobile Wireless Comm Client for cc:Mail," p. 30, heading), comprising the steps of:

Receiving the electronic messages at a messaging server ("communication server") and storing the electronic messages in a message store having a plurality of mailboxes, wherein each of the plurality of wireless mobile devices is associated with one of the plurality of mailboxes (p. 9, "Communication Server," p. 10, "User Profile Database," pp. 15-16, wherein mail is received and stored at the communication server, and the mail account is associated with a mobile device according the device ID); and

Without receiving requests to download the received electronic messages at the messaging server, continuously pushing the received electronic messages from the mailboxes associated with each of the wireless mobile devices to the wireless mobile devices to the wireless communication devices (p. 30, ¶ 5; p. 31, ¶ 1; "server push," "enables messages to be immediately downloaded when they are received," and "eliminates the batch mode of operation used by cc:Mail Background"), wherein the continuously pushing step includes the steps of:

A. For each of the wireless mobile communication devices, the software program registering with a software interface ("AirMobile Wireless Comm Client interface") associated with the messaging server (p. 40, ¶ 5, wherein the interface is used to configure, i.e. register, the client to receive certain messages from the AirMobile Wireless Comm Client for cc:Mail) to receive a notification signal when a new received

electronic message is received and stored in an associated mailbox (pp. 10-11; p. 31, ¶ 3; p. 40, ¶ 5, "when a message arrives for you in your LAN-based cc:Mail Inbox, Motorola AirMobile software will immediately download the message to your laptop, assuming it passes your download filters," wherein the AirMobile software is thus notified of each arriving message so that it can forward the message as appropriate);

B. Upon receipt of the notification signal for each of the new received electronic messages, the software program packaging the replicated new message into an electronic envelope, the envelope including addressing information associated with the wireless device (p. 31, ¶ 3, "when a message arrives for you in your LAN-based cc:Mail Inbox, Motorola AirMobile software will immediately download the message to your laptop, assuming it passes your download filters," wherein the electronic envelope, while not explicitly stated, is necessarily created because messages sent specifically to the mobile device *must* use an electronic envelope bearing the address of the mobile device in order to arrive at the device).

C. Transmitting the electronic messages from the software program to a wireless gateway computer system ("wireless network adapter: Infotac Mobicidem") via a wired connection, the wireless gateway computer system coupling the wired network to the wireless network (Fig. 1.1 – "wireless network adapter" that connects the wired land network to the wireless network; see also Adler (U.S. Patent No. 6,157,630) describing that one type of gateway for connecting different networks is a modem: "gateway between [a] public network server and [a] host server is preferably an internet

connection, but can take many forms. The connection may be... an analog modem connection").

D. Receiving the electronic envelope at the wireless gateway and using the addressing information contained within the envelope in order to send the new message to the wireless mobile communication device via the wireless network (this will necessarily occur during the process of sending the messages through the wireless gateway to the wireless network); and

E. Receiving the electronic envelope at the wireless mobile communications device, removing the electronic envelope from the new message, and storing the new message at the wireless device (p. 39, ¶ 1, wherein removing the envelope and storing the message is necessary to allow a user to view the message received at the AirMobile mobile device).

However, AirMobile does not disclose that either (1), the wireless gateway is connected to the messaging server through a TCP/IP wired network, or (2) the messages stored on the messaging server are necessarily *replicated* before being forwarded to the wireless mail system. Nonetheless, both of these features are well known in the wired-to-wireless e-mail messaging art, as evidenced by Bezaire and Eggleston, respectively.

Regarding (1), AirMobile discloses using a *modem-type* wireless gateway device connected *directly* to the messaging server to couple the wired network to the wireless network. Note that patent to Adler et al. (U.S. Patent No. 6,157,630) describes that one type of gateway for connecting different networks can be a modem: "gateway between

[a] public network server and [a] host server is preferably an internet connection, but can take many forms. The connection may be... an analog modem connection" (col. 2, lines 43-49). Nonetheless, the claimed invention requires using a *TCP/IP-based* wireless gateway device connected *through a TCP/IP wired connection* to the messaging server to couple the wired network to the wireless network.

Although AirMobile does not disclose a TCP/IP connection between the server and the wireless gateway, the use of a TCP/IP wireless gateway interface, as opposed to a modem-type gateway interface, is well known for coupling a wired network to a wireless network in an e-mail system, as evidenced by Bezaire. In a similar art, Bezaire discloses an e-mail system for allowing users send e-mail messages from a wired network to a wireless network through a wireless gateway, wherein the wireless gateway is connected to an e-mail messaging server through a TCP/IP connection (Fig. 1; col. 3, lines 11-25, wherein "TCPIP/SMTP is used as a network, transport, and messaging application protocols"). Given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using a TCP/IP-based wireless gateway device to connect the wired and wireless networks in the system taught by AirMobile, to avoid the need for each messaging server to use its own wireless modem gateway device, thereby decreasing the costs to the messaging service providers. Therefore, it would have been obvious to replace the modem-type gateway device in the AirMobile system with a TCP/IP-based device, as taught by Bezaire.

Regarding (2), AirMobile discloses forwarding messages received at the messaging server to the wireless device. However, AirMobile does not *explicitly* state that the messages stored on the messaging server are *replicated* before being forwarded to the wireless mail system. Nonetheless, most e-mail systems that forward messages actually replicate the messages before forwarding, so that a copy of the message is retained in the initial destination mailbox. Such replication is disclosed by Eggleston. In a similar art, Eggleston teaches a system for forwarding messages from a LAN-based host through a wireless host to a mobile client device, wherein the LAN-based host stores messages, thereby maintaining a replica of the messages, before forwarding them to the client (col. 4, lines 44-51; col. 12, lines 32-39, 59-62, wherein the messages are copied and maintained at a host system, and are also sent to target units). Thus, given the teaching of Eggleston, a person having ordinary skill in the art would have readily recognized the desirability and advantages of replicating the messages at the messaging server taught by AirMobile, to preserve received messages in case the client memory fails or the message is lost in transmission. Therefore, it would have been obvious to include the mail replication feature taught by Eggleston in the mail forwarding system taught by AirMobile and Bezaire.

Finally, it is worth noting that the server immediate push system taught by AirMobile is somewhat contradicted by the section in AirMobile describing a "Scheduler Cycle Time" period that defines the number of seconds to wait between Outbox checking. See p. 20. Assuming that this renders the reference ambiguous regarding whether it acts as a true server-push model that pushes every message to the wireless

as soon as it is received, or instead as a modified push system that pushes messages every X seconds, two things can be said.

First, as evidenced by Gadol, the immediate message push system for e-mail was well known at least as far back as 1994. Gadol describes an e-mail system for paging systems, wherein users are paged for each received message at their mobile device (p. 12, ¶ 2, "Paging works well for applications such as e-mail"), and further describes that "it's preferable to receive an e-mail message when it's sent, rather than have to go to the infrastructure (a post office) to pick it up." Thus, it would have been obvious to a person having ordinary skill in the art to use a message-by-message push system to convey the messages in the system taught by AirMobile so users can receive messages as soon as they are sent, instead of waiting a time period such as 10 seconds.

Second, even without the insight provided by Gadol, one viewing the AirMobile reference would recognize that the "Scheduler Time Cycle" can be low or high, as the user desires. The reference shows 10 seconds, and also describes 30 seconds or 60 seconds as time intervals. Given the knowledge that any time period could be set, it would have been obvious to a person having ordinary skill in the art to set the time period close to zero, thereby, for all intents and purposes, implementing the immediate message redirection scheme claimed. This would be desirable to allow immediate forwarding of messages that might contain highly time-sensitive data, such as stock quotes.

Therefore, given the various claim features which are well known in the art, it would have been obvious to alter the AirMobile system with the claimed features taught by Gadol, Bezaire, and Eggleston, in order to arrive at the claimed invention.

In considering claim 71, Eggleston further discloses that messages sent between the wired and wireless systems can be compressed (col. 11, lines 63-67). Given this knowledge, it would have been obvious to a person having ordinary skill in the art to compress the messages in the system taught by AirMobile, Gadol, Bezaire, and Eggleston, prior to transmission to the gateway, and to decompress the messages at the mobile device, as suggested by Eggleston, in order to increase available bandwidth and to provide faster and less expensive communications (see Eggleston, col. 12, lines 7-9).

In considering claim 72, AirMobile further discloses storing a plurality of user profiles for each of the wireless mobile devices for use by the software program, the profiles including a filter list for blocking certain electronic messages from being replicated and transmitted to the wireless mobile device (p. 10, "User Profile Database," "Filtering").

In considering claim 73, AirMobile further discloses transmitting a command message from the wireless devices to the server software program, wherein the command message adds an electronic message sender to the filter list so that

messages from the sender are blocked from being forwarded to the wireless device (p. 10, ¶ 6; p. 11, ¶ 1; see also, pp. 40-41).

In considering claim 77, AirMobile further discloses a plurality of desktop computer systems in communication with the messaging server (Fig. 1-1, “cc:Mail Client”), and further teaches controlling the operation and configuration of the software program using one of the desktop systems (the “cc:Mail Client” will be able to control the operation of the mail box).

In considering claim 81, AirMobile further discloses transmitting a plurality of triggering commands to the software program, each command being associated with one of the plurality of wireless mobile devices and initiating the software program to continuously push the received electronic messages from the mailbox associated with the wireless mobile device to the wireless mobile device (p. 32, “Launching Motorola,” wherein the continuous pushing for each mobile device is activated when the cc:Mail Mobile is launched at the device).

2. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, Gadol, Bezaire, and Eggleston, in view of MobileVision (Mobile Vision User Manual, CE Software, Inc., 1995).

In considering claim 74, AirMobile discloses allowing only certain attachments to be received at the mobile device, according to user selection (p. 10, ¶ 5). However,

AirMobile does not explicitly disclose determining whether an attachment is of the type that can be received and displayed at a particular mobile device, and if so, then replicating and transmitting the attachment from the software program to the wireless mobile device. Nonetheless, this forwarding feature is well known, as evidenced by MobileVision. In a similar art, MobileVision discloses an e-mail system for forwarding messages from a wired server to a wireless computing device, wherein the system determines whether an attachment is of the type that can be received and displayed at a particular mobile device, and if so, then transmits the attachment from the software program to the wireless mobile device (MV, p. 4-32 - "Enclosure" rules). A person having ordinary skill in the art would have readily recognized the desirability and advantages of including such attachment processing steps in the system taught by AirMobile and Eggleston, so that important attachments that could be processed at the mobile device would be sent immediately, while attachments that could not be processed by the device are maintained at the server, thereby preserving network bandwidth. Thus it would have been obvious to include this attachment feature in the system taught by AirMobile, Gadol, Bezaire, and Eggleston.

Furthermore, as discussed with regard to claim 70, the feature of replicating forwarded messages is well known, as taught by Eggleston. Therefore, it would have been obvious to both replicate and forward the attachments in the combined system taught by AirMobile, Gadol, Bezaire, Eggleston, and MobileVision, to preserve received attachments in case the client memory fails or the attachment is lost in transmission.

3. Claims 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, in view of Bezaire, Gadol, and Eggleston, and further in view of Ross Jr. (U.S. Patent No. 5,812,671, hereinafter "Ross").

In considering claim 75, the system taught by AirMobile, Bezaire, Gadol, and Eggleston fails to explicitly disclose the use of encryption keys for sending the messages. Nonetheless, storing an encryption key at a server for each of a plurality of destination devices, and using the key to encrypt detected messages before forwarding them to a destination device is well known, as evidenced by Ross (col. 3, lines 8-23). Given the teaching of Ross, a person having ordinary skill in the art would have readily recognized the desirability and advantages of encrypting the messages sent in the system taught by AirMobile, Gadol, Bezaire, and Eggleston, to increase the security of the system. Therefore, it would have been obvious to include the encryption steps disclosed by Ross in the system taught by AirMobile, Gadol, Bezaire, and Eggleston.

In considering claim 76, AirMobile further discloses generating electronic messages at the mobile device, sending them through the gateway to the server, and transmitting the messages from the mailboxes to message recipients, wherein the messages are addressed using the user's e-mail address ("cc:Mail" address, p. 38, "Sending/Transmitting e-mail messages"). Furthermore, as discussed previously, the combined system of AirMobile, Gadol, Bezaire, and Eggleston discloses connecting the messaging server with the wireless gateway via a TCP/IP connection.

However, the combined system taught by AirMobile, Gadol, Bezaire, and Eggleston does not disclose storing the reply messages at the server. Nonetheless, Examiner takes official notice that storing, at an e-mail server, replies and other messages generated at a personal computing device, is well known in the art. E-mail programs such as Microsoft Exchange, Yahoo Mail, and others, include a function for storing sent messages at the e-mail server. Therefore, it would have been obvious to a person having ordinary skill in the art to store the sent messages at the server in the system taught by AirMobile, Gadol, Bezaire, and Eggleston, in case a user wanted to review the previously sent messages.

In addition, it would have been obvious to a person having ordinary skill in the art to include the reverse encryption steps as the steps taught by Ross, in the system taught by AirMobile, Gadol, Bezaire, and Eggleston, to allow secure message transmission in both directions across the network, thus increasing security of the system.

4. Claims 78, 82, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile in view of Gadol, Bezaire and Eggleston, and further in view of Dunker et al. (CE Software Announces MobileVision, CE Software, Inc., 1995, hereinafter "Dunker").

In considering claim 78, AirMobile fails to explicitly disclose that the desktop system can specifically control whether steps (A) – (C) are enabled. Nonetheless, allowing a desktop computer to control whether wireless message forwarding functions

at a server are enabled is well known, as evidenced by Dunker. In a similar art, Dunker discloses a system for integrating a LAN-based mail system with a wireless pager, wherein message filtering and forwarding can be controlled from either the wireless device or desktop computers on the LAN (p. 1, ¶ 5, "MobileVision rules can be modified either at the office or from the road"). Given the teaching of Dunker, a person having ordinary skill in the art would have readily recognized the desirability and advantages of allowing a user at a desktop to control enablement of the forwarding steps, in order to save battery power at the mobile device when a user is present at home or at the office. Therefore, it would have been obvious to allow a user to control the forwarding steps disclosed by AirMobile, Gadol, Bezaire, and Eggleston, from a desktop, as taught by Dunker.

In considering claim 82, claim 82 presents a similar function as claim 78 (triggering commands for continuous pushing are generated at desktop computer systems coupled to the software program via a LAN). Thus, claim 82 is rejected for the same reasons as claim 78.

In considering claim 83, AirMobile further discloses that the triggering commands are generated at the wireless devices (p. 11, ¶ 1).

5. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, Gadol, Bezaire, and Eggleston, in view of Microsoft Outlook 97 (Padwick et al., Que Corporation, 1997, hereinafter "Padwick").

In considering claim 79, although the combined teaching of AirMobile, Gadol, Eggleston, and Dunker discloses substantial features of the claimed invention, it fails to disclose performing the same forwarding steps described in claim 70 for calendar information. Nonetheless, Padwick discloses the use of Microsoft Outlook, which includes messaging functions for calendar information, as evidenced by Padwick. Padwick discloses the Microsoft Outlook 97 system, which stores calendar data for a user at a message store associated with the user, detects changes in calendar data at the message store (i.e. meeting requests), and then addresses and transmits the changes to the user computer (pp. 360-363). Given the teaching of Padwick, a person having ordinary skill in the art would have readily recognized the desirability and advantages of replacing the cc:Mail system taught by AirMobile with the Microsoft Outlook 97 System taught by Padwick, thereby including storage and transmission of meeting requests, to increase the functionality of the mobile device, and to make the device compatible with the widely used Microsoft Outlook system (see also, Isomursu et al., U.S. Patent No. 6,400,958, col. 8; Deo et al., U.S. Patent No. 6,356,956, cols. 3-4; both describing pager devices that can receive calendar messages from a host computer). Therefore, it would have been obvious to use the Microsoft Outlook 97 system taught by Padwick, in the combined message forwarding system taught by AirMobile, Gadol, Bezaire, and Eggleston.

6. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, Gadol, Bezaire, and Eggleston, further in view of either Adler et al. (U.S. Patent No. 6,157,630, hereinafter “Adler”) or alternatively Zerber (U.S. Patent No. 5,951,636).

In considering claim 80, although the combined teaching of AirMobile and Eggleston discloses substantial features of the claimed invention, it fails to disclose the claimed steps of retrieving different replicated portions of the messages at different times according to a user selection. Nonetheless, retrieving a first portion of a message at the destination, transmitting a request from the destination to retrieve a second portion of the message, and then sending that second portion from the messaging server is well known in the art, as evidenced by both Zerber and Adler. In a similar art, Zerber discloses downloading a first portion of a message (“header”) at a client, then transmitting a command to a server to download additional content of the message, and finally transmitting that second portion to the client in response (claim 1, steps (c), (g), and (h)). Similarly, Adler discloses a system for forwarding messages to a wireless device, wherein the user can select for a first portion of a message to be received first, and can then subsequently request additional portions of the messages to be sent (col. 5, lines 3-9). Thus, given the teaching of either Zerber or Adler, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the message retrieval function taught by Zerber or Adler in the system taught by AirMobile, Gadol, Bezaire, and Eggleston, to minimize transfer time, and to consume minimal resources at the wireless device (see Zerber, col. 2, lines 24-30). Therefore, it

would have been obvious to use the message retrieval system taught by either Zerber or Adler in the system taught by AirMobile, Gadol, Bezaire, and Eggleston.

Furthermore, as discussed with regard to claim 70, the feature of replicating forwarded messages is well known, as taught by Eggleston. Therefore, it would have been obvious to both replicate and forward the message portions, as claimed, in the combined system taught by AirMobile, Gadol, Bezaire, Eggleston, and Adler or Zerber, to preserve received message portions in case the client memory fails or the portions are lost in transmission.

7. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, Gadol, Bezaire, and Eggleston, in view of Applicant's admission of prior art.

In considering claim 84, claim 84 includes the limitation that the wireless mobile devices transmit a confirmation signal to the software program to indicate that the messages have been received at the devices. This feature is well known, as evidenced by Applicant's admission of the prior art ("Background of the Invention," p. 1, line 25 – p. 2, line 2 of the specification, "Wireless mobile data communications devices, especially those that can return a confirmation signal to the host that the pushed data has been received, are especially well suited for this type of push paradigm."). Thus, it would have been obvious to a person having ordinary skill in the art to send a confirmation message to the server in the system taught by AirMobile, Gadol, Bezaire, and Eggleston, so that the server can re-send any messages that fail to reach their destination.

Response to Arguments

In considering Applicant's remarks filed on May 14, 2004, the following arguments are noted:

- a. AirMobile does not teach the continuous pushing method of claim 70.
- b. There is no such device as a modem-type gateway.
- c. None of the "inherent" steps mentioned by the Examiner are disclosed in the prior art.

In considering (a), Applicant contends that AirMobile does not teach continuously pushing the received electronic messages from the mailboxes associated with the mobile devices to the mobile devices, as claimed in claim 70. Examiner does not completely agree with this statement. AirMobile states, "AirMobile for cc:Mail software implements *both* the traditional e-mail 'client poll' *and the more efficient 'server push'* models of message delivery." (emphasis added) See p. 30, last paragraph. AirMobile additionally states, "With Motorola AirMobile, messages are 'pushed' out to your portable PC from the server over the wireless network: you do not have to constantly call in to check for messages. This implementation of 'server push' eliminates unnecessary communication between the client and server, minimizing communication costs and artificial delays." See p. 31, ¶ 1. Finally, "When a message arrives for you in your LAN-based cc:Mail Inbox, Motorola AirMobile software will immediately download the message to your laptop, assuming it passes your download filters, placing it in your cc:Mail Mobile Inbox." See p. 31, ¶ 3.

From these passages, it appears clear that AirMobile teaches a system for continuously pushing received electronic messages from the receiving mailbox to the user's mobile device. However, page 20 of AirMobile does shed some doubt on whether this "continuous," "immediate pushing" is in fact taught by AirMobile. Page 20 describes a "Scheduler Cycle Time" period that defines the number of seconds to wait between Outbox checking. This appears to perhaps contradict the idea of continuous immediate pushing of messages. Nonetheless, even if it can be argued that continuous pushing as claimed is not explicitly disclosed in AirMobile, the newly cited Gadol reference clearly demonstrates that the immediate message push system for e-mail was well known at least as far back as 1994. Gadol describes an e-mail system for paging systems, wherein users are paged for each received message at their mobile device (p. 12, ¶ 2). Given this knowledge, it would have been obvious to a person having ordinary skill in the art to use a message-by-message push system to convey the messages in the system taught by AirMobile so users can receive messages as soon as they are sent, instead of waiting a time period such as 10 seconds.

In considering (b), Applicant contends that there is no such device as a modem-type gateway. Applicant further argues that one of ordinary skill in the art would not refer to a modem as a gateway. Examiner respectfully disagrees. See Adler (U.S. Patent No. 6,157,630) describing that one type of gateway for connecting different networks is a modem: "gateway between [a] public network server and [a] host server is preferably an internet connection, but can take many forms. The connection may be...

an analog modem connection"). This account shows that one of ordinary skill in the art does in fact refer to a modem as a gateway.

In considering (c), Applicant contends that none of the "inherent" steps mentioned by the Examiner are disclosed in the prior art. Examiner respectfully disagrees. Applicant asserted that Examiner provided no evidence to support the proposition that the steps were inherent. Note that the evidence has been described in the claim rejections above. But just to reiterate, the following claim steps, which are explicitly claimed but not explicitly discussed in the 35 USC 103(a) references, must necessarily be part of the system taught by AirMobile, Gadol, Bezaire, and Eggleston system in order for the system to function as disclosed:

- i. Receiving a notification signal when a new received electronic message is received and stored in an associated mailbox, and upon receipt of the notification for each new received electronic message, performing the replication and forwarding preparation steps.

This step is necessary in order for the AirMobile/Gadol immediate message pushing system to forward messages as they arrive in the mailbox, because the system must necessarily be notified of message receipt in the mailbox in order for the system to immediately forward the messages in the mailbox to the mobile device. There is no other way for the forwarding system to know that messages have arrived other than being notified.

ii. Packaging messages in an electronic envelope, and then receiving the electronic envelope at the gateway and using the information in it to forward the message to the wireless device.

This step is necessary in order for the AirMobile/Bezaire gateway features to send the replicated messages to the wireless device such that the wireless device receives the replica of the message. In order for any message in any electronic messaging system to transmit messages to a particular destination device, the messages must have an electronic envelope with an address associated with the electronic device. There is no other way to receive an electronic message other than packaging the message in an envelope. Page 39 of AirMobile demonstrates that the messages received have the associated "To" and "From" fields and therefore were encapsulated with an electronic envelope using those addresses.

iii. Removing the envelope once the message is received at the mobile device.

This step is necessary in order to display the message in an e-mail format showing the "To" and "From" fields described by AirMobile. There is no way to view the encapsulated messages other than by removing the encapsulating envelope.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-

3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all After Final papers: (703) 746-7238.

For all other correspondences: (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Bradley Edelman

BE
August 5, 2004